

Application No. 09/933,984
Page 5**REMARKS**

Claims 1-12 were examined and reported in the Office Action. Claims 1-12 are rejected. Claim 2 is canceled. Claims 1, 5-7, 10 and 12 are amended. Claims 1 and 3-12 remain. Applicant is resubmitting the response filed on October 26, 2004 with the typographical error in the header beginning on page 2 of the response corrected to reflect the accurate application serial number 09/933,984.

Applicant requests reconsideration of the application in view of the following remarks.

I. Claim Objections

It is asserted in the Office Action that claims 3-7 are objected to because they are dependent on canceled claim 2. Applicant has amended the claims to overcome the asserted objections.

II. 35 U.S.C. §102

It is asserted in the Office Action that claims 1, 3-9 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,541,473 issued to Duboc Jr. et al ("Duboc"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (*In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

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Applicant's amended claim 1 contains the limitations of "[a] vacuum fluorescent display comprising: a front glass member which has light transmission properties at least partly; a substrate opposing said front glass member through a vacuum space; a phosphor film formed on a surface of said front glass member which opposes said substrate and having a predetermined large-area display pattern; a surface electron-emitting portion comprising a coating film formed of a large number of nanotube fibers, said surface electron-emitting portion is mounted on said substrate to oppose said phosphor film and having an electron-emitting surface corresponding to the large-area display pattern; an electron extracting electrode arranged in the vacuum space between said surface electron-emitting portion and said phosphor film to be spaced apart from said surface electron-emitting portion by a predetermined distance; and an insulating support member formed on said substrate having partitions for supporting said electron extracting electrodes and dividing the electron-emitting surface of said surface electron-emitting portion into a plurality of regions, said partitions being made of material from which a larger number of secondary electrons than that of bombarded electrons are emitted."

Duboc Jr. discloses a fluorescent display tube of a dot display having phosphor regions 222a and 222b corresponding to emitter sets 202a and 202b (Duboc, column 6, lines 1-3). According to Duboc, holes 211a and 211b are formed in insulating layer 211 so that emitter sets 202a and 202b for every pixel may be surrounded, but each pixel constituting a display unit is not divided into a plurality of regions.

Distinguishable, Applicant's claimed invention relates to a fluorescent display tube having a comparatively large segment, and the intention is to make the whole segment emit light uniformly. This is absolutely not intended by Duboc where a dot display is displayed.

In Applicant's claimed invention a segment includes one display pattern, where the potential on the surface of the insulator in a segment is made to become almost the same potential as the potential of a grid that covers the segment by forming material of

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the insulator between the grids and cathodes with the material, from which the secondary electrons are easily emitted. This, however, clearly not disclosed by Duboc.

Additionally, Applicant's claimed invention divides the electron-emitting surface corresponding to a display pattern into a plurality of regions. This is clearly distinguishable from Duboc.

Therefore, since Duboc does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(a) has not been adequately set forth relative to Duboc. Thus, Applicant's amended claim 1 is not anticipated by Duboc. Additionally, the claims that directly or indirectly depend on claim 1, namely claim 3-9 and 12, are also not anticipated by Duboc for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection for claims 1, 3-9 and 12 are respectfully requested.

III. 35 U.S.C. §103

It is asserted in the Office Action that claims 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Duboc in view of U. S Patent No. 6,545,396 issued to Ohki et al ("Ohki"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142 "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to

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MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 10-11 directly depend on amended claim 1. Applicant has addressed Duboc regarding claim 1 above in section II.

Ohki discloses an image forming device includes cathode electrode lines and gate electrode lines, where the field emission electron sources are selectively grown on the cathode electrode lines. Ohki, however, does not teach, disclose or suggest "[a] vacuum fluorescent display comprising: ... a phosphor film formed on a surface of said front glass member which opposes said substrate and having a predetermined large-area display pattern; a surface electron-emitting portion comprising a coating film formed of a large number of nanotube fibers, said surface electron-emitting portion is mounted on said substrate to oppose said phosphor film and having an electron-emitting surface corresponding to the large-area display pattern; ... and an insulating support member formed on said substrate having partitions for supporting said electron extracting electrodes and dividing the electron-emitting surface of said surface electron-emitting portion into a plurality of regions, said partitions being made of material from which a larger number of secondary electrons than that of bombarded electrons are emitted."

Therefore, even if Ohki were combined with Duboc the resulting invention would not contain all the limitations of Applicant's claimed invention. Since neither Duboc, Ohki, nor the combination of the two teach, disclose or suggest all the limitations of Applicant's amended claim 1, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 1 is not obvious over Duboc in view of Ohki since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from

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amended claim 1, namely claims 10-11, would also not be obvious over Duboc in view of Ohki for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejections for claims 10-11 are respectfully requested.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1 and 3-12, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

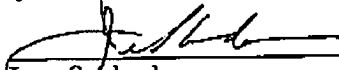
Dated: November 18, 2004

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November 18, 2004

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